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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,328	12/12/2003	David R. Cook	NVID-P000734	3697
<div>7590 05/15/2007 WAGNER, MURABITO & HAO LLP Third Floor Two North Market Street San Jose, CA 95113</div>			<div>EXAMINER RAMPURIA, SATISH</div>	
			<div>ART UNIT 2191</div>	<div>PAPER NUMBER</div>
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/736,328	Applicant(s) COOK, DAVID R.	
	Examiner Satish S. Rampuria	Art Unit 2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. This action is in response to the amendment filed on 03/20/2007.
2. The rejection under 35 U.S.C. §101 to claims 12-22 is still stand rejected see below for an explanation.
3. The rejections under 35 U.S.C. §112 second paragraph to claim 1, 12, and 23 is withdrawn in view of Applicant's amendment.
4. Claims amended by the applicants: 1, 3-4, 8, 12, 14-15, 19, 23-25, and 28.
5. Claims 1-31 are pending.

Response to Arguments

6. Applicant's arguments with respect to claims have been considered but they are not persuasive.

In the remarks, the applicant has argued that:

a. 35 U.S.C. § 101 Rejections

The fact that Claims 12-22 could be interpreted as being "directed merely to an abstract idea" is not dispositive. Applicant respectfully submits that Claims 12-22 should be evaluated by their limitations, not by what those claims incidentally cover. Consequently, Applicant respectfully submits that the basis for rejecting Claims 12-22 under 35 U.S.C. § 101 is traversed.

Examiner's response:

In response to applicant's arguments, claims 12-22 are directed to systems of functional descriptive material per se, and hence non-statutory. However, there are no indications or suggestions in the specification or claims that would associate the recited software components in the claims with hardware elements of the electronic device.

Therefore, these claim limitations can reasonably be interpreted as computer program

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modules/software per se.

In the remarks, the applicant has argued that:

b. 35 U.S.C. § 102 Rejections

Applicant respectfully submits that the limitations cited above are not shown or suggested by Jager. Jager appears to describe a global configuration file that contains settings. However, those settings are applied to a server but -significantly - they are not applied to the global configuration file itself, in contrast to the claims. Furthermore, those settings are not applied to a file when the file is opened and the contents of the file are rendered for display, in contrast to the claims.

Examiner's response:

In response to applicants agreements, first of all, no support is provided for the arguments made by the applicants. Second, Jager does disclose the limitations as claimed in independent claims 1, 12, and 23 as the examiner has provided in the detailed action. Jager discloses verifying the global configuration files such as syntax errors, conflicting settings, and related settings that are set inconsistently (col. 2, lines 40-44). Jager explicitly discloses the limitations as claimed, see the rejection below.

Therefore, the rejection is proper and maintained herein.

In the remarks, the applicant has argued that:

c. 35 U.S.C. § 103 Rejections

Hu appears to describe resizing and rescaling an image in response to user input. However, Applicant respectfully submits that Hu (alone or in combination with Jager) does not show or suggest, once the image has been resized and rescaled, that any resulting image-specific (e.g., file-specific) settings are saved in lieu of global settings, such that when the image (e.g., file) is subsequently displayed, that file-specific settings are used instead of global settings.

Examiner's response:

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., once the image has been resized and rescaled, that any resulting image-specific (e.g., file-specific) settings are saved in lieu of global settings) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore, the rejection is proper and maintained herein.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Claim Rejections - 35 USC § 101

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9. Claims 12-22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 12 is non-statutory because the language of the claim raises a question as to whether the claim is directed merely to an abstract idea which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101. Claim recites a system for specifying setting used with a file, representing functional descriptive material without a computer readable storage medium or a memory, software application (program code) per se are not tangibly embodied. Claims 13-22 are directly or indirectly dependent on claim 12 and further support a system for specifying setting used with a file, representing functional descriptive material without a computer readable storage medium or a memory, software application (program code) per se are not tangibly embodied thus amounts to only abstract idea and are nonstatutory.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1-9, 12-20, and 23-29 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,892,231 to Jager (hereinafter, Jager).

Per claim 1:

Jager discloses:

- A method of specifying settings used with a file, said method comprising:
- opening said file using a software application (col. 2, lines 45-50 "verify a global configuration file"), wherein associated with said application are global settings that are applied to said file when contents of said file are rendered for display (col. 2, lines 45-61 "...a global configuration file... the rules in a first block of the configuration file are identified" and col. 3, lines 30-32 "compares the first and second flattened configuration files...differences may then be displayed..."), said application automatically imposing said global settings on all files associated with said application by default (col. 2, lines 45-61 "...A settings file is then created with the identified rules set as "true." The configuration process is then performed using the global configuration file and the settings file...");
- saving a file-specific setting defined for said file (col. 15, lines 50-55 "saving said flattened settings in a data file"), said file-specific setting replacing a corresponding global setting defined by said application for said file (col. 2, lines 50-55 "an error message is generated if related settings are set inconsistently...process is then repeated for each block in the global

configuration file... settings file is created corresponding to each block”), wherein said global settings for other said files associated with said application are unchanged by said file-specific setting (col. 3, lines 20-33 “changes in the flattened configuration files caused by changes in the global configuration file can be identified”);

- closing said file (Although, Jager does not explicitly disclose closing the file, however, it would be inherent to Jager system to close the file since, the changes are saved and applied (col. 3, lines 20-32); and
- upon subsequent opening of said file, applying said file-specific setting to said display of said contents instead of said corresponding global setting (col. 3, lines 33-49 “the flattened files may be used to simplify the server computer configuration process” and col. 3, lines 30-32 “compares the first and second flattened configuration files...differences may then be displayed...”).

Per claim 2:

The rejection of claim 1 is incorporated and further, Jager discloses:

- accessing said file (col. 2, lines 45-50 “verify a global configuration file”); and overriding said corresponding global setting with said file-specific setting (see FIG. 4 and related discussion).

Per claim 3:

The rejection of claim 1 is incorporated and further, Jager discloses:

- saving said file-specific setting with said contents of said file (col. 3, lines 20-49 "saves a set of flattened configuration files for a first global configuration file").

Per claim 4:

The rejection of claim 1 is incorporated and further, Jager discloses:

- associating said file-specific setting with said file (col. 3, lines 20-33 "changes in the flattened configuration files caused by changes in the global configuration file can be identified"); and
- saving said file-specific setting separate from said contents of said file (col. 3, lines 20-49 "saves a set of flattened configuration files for a first global configuration file").

Per claim 5:

The rejection of claim 1 is incorporated and further, Jager discloses:

- wherein said file-specific setting is saved in a registry, wherein said registry comprises a hierarchical arrangement of application-specific global settings and file-specific settings (col. 8, lines 22-33 "...these configuration settings are determined based upon information provided with the request, or from information maintained in a registry of the Web server computer").

Per claim 6:

The rejection of claim 1 is incorporated and further, Jager discloses:

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- wherein said file-specific setting is associated with the file name of said file, and wherein said file-specific setting is indexed using said file name (col. 3, lines 20-33 "changes in the flattened configuration files caused by changes in the global configuration file can be identified").

Per claim 7:

The rejection of claim 1 is incorporated and further, Jager discloses:

- wherein said file is associated with a Web page and said file name comprises a Uniform Resource Locator (col. 8, lines 20-33 "...Configuration settings may include HTTP_HOST, HOST_NAME, HOST_IP, and USER_USTORE configuration settings 98A-98N and their associated values").

Per claim 8:

The rejection of claim 1 is incorporated and further, Jager discloses:

- wherein said file-specific setting is derived from said contents of said file (col. 3, lines 20-33 "changes in the flattened configuration files caused by changes in the global configuration file can be identified").

Per claim 9:

The rejection of claim 1 is incorporated and further, Jager discloses:

- wherein the file name of said file comprises a string of characters that invoke said file-specific setting (col. 7, lines 22-40 "...Each block is identified by a unique name and may include an associated rule").

Claims 12-20 are the system claim corresponding to method claims 1-9, respectively, and rejected under the same rationale set forth in connection with the rejection of claims 1-9, respectively, above.

Claims 23-29 are the similar claims to method claims 1-9, respectively, and rejected under the same rationale set forth in connection with the rejection of claims 1-9, respectively, above.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 10-11, 21-22, and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jager in view of US Patent No. 6,825,860 to Hu et al., (hereinafter, Hu).

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Per claims 10:

The rejection of claim 1 is incorporated and further, Jager does not explicitly disclose wherein said file-specific setting comprises display window size and position with respect to said application.

However, Hu discloses in an analogous computer system wherein said file-specific setting comprises display window size and position with respect to said application (col. 2, lines 24-41 "...The scaling in the vertical direction then proportionately changes the size of the elements depicted in the representation. Resizing in the horizontal direction then allows for selection of discrete subsections or units of the physical system depicted in the image....").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of wherein said file-specific setting comprises display window size and position with respect to said application as taught by Hu into the method of generating file (flattened) specific settings as taught by Jager. The modification would be obvious because of one of ordinary skill in the art would be motivated to have file specific settings with window size and position to provide an improved windowing and scaling technique as suggested by Hu (col. 2, lines 5-10).

Per claims 11:

The rejection of claim 1 is incorporated and further, Jager does not explicitly disclose wherein said file comprises multiple pages for display by said application,

wherein said file-specific setting comprises identification of a page last displayed when said file was closed.

However, Hu discloses in an analogous computer system wherein said file comprises multiple pages for display by said application, wherein said file-specific setting comprises identification of a page last displayed when said file was closed (col. 2, lines 15-24 "...A user may desire viewing of one or more of the groups as discrete units to maintain visibility of specific details. The groups are then defined for presentation in the representations, and the group associations are maintained in the depiction displayed within a viewing window...").

The feature of wherein said file comprises multiple pages for display by said application, wherein said file-specific setting comprises identification of a page last displayed when said file was closed would be obvious for the reasons set forth in the rejection of claim 10.

Claims 21-22 are the system claim corresponding to method claims 10-11, respectively, and rejected under the same rationale set forth in connection with the rejection of claims 10-11, respectively, above.

Claims 30-31 are the similar claims to the method claims 10-11, respectively, and rejected under the same rationale set forth in connection with the rejection of claims 10-11, respectively, above.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Satish S. Rampuria** whose telephone number is **(571) 272-3732**. The examiner can normally be reached on **8:30 am to 5:00 pm** Monday to Friday except every other Friday and federal holidays. Any inquiry of a general nature or relating to the status of this application should be directed to the **TC 2100 Group receptionist: 571-272-2100**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wei Y. Zhen** can be reached on **(571) 272-3708**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Satish S. Rampuria
Patent Examiner/Software Engineer
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A handwritten signature in black ink, consisting of stylized, overlapping loops and a long, sweeping stroke extending upwards and to the right.

WEI ZHEN
SUPERVISORY PATENT EXAMINER